

ASSEMBLY BILL

No. 2072

Introduced by Assembly Member Montanez

February 16, 2006

An act to add Section 1700.42 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2072, as introduced, Montanez. Representation of minors.

Existing law requires that persons or corporations that act as talent agencies pay a filing fee and obtain a license from the Labor Commissioner. Existing law also requires that applicants for the license provide their business history and financial information along with fingerprints and affidavits from personal references. Talent agencies are also required to post a bond with the Commissioner before a license is issued. Licenses may not be granted to agencies that would endanger the health, safety, or welfare of the artists represented. Existing law also provides that the Commissioner may revoke the license of any agency for failure to comply with these provisions or if the licensee has ceased to be of good moral character.

In addition to the requirements above, this bill would require any person who represents artists who are minors to submit his or her fingerprints and an additional fee to the Commissioner to permit screening of that individual to determine if he or she is a registered sex offender. No person who is identified as a sex offender under this procedure would be permitted to represent artists who are minors.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1700.42 is added to the Labor Code, to read:

1700.42. (a) No person shall represent any artist who is a minor without first submitting his or her fingerprints to the Commissioner. A filing fee of twenty-five dollars (\$25) shall be paid to the Commissioner at the time the fingerprint is filed. This amount shall be in addition to any filing fees required pursuant to this chapter.

The Commissioner shall search the list of names of registrants pursuant to Sections 290 to 294, inclusive, of the Penal Code (Megan's Law) for the name of any person who registers to represent any minor artist, and notwithstanding the licensing requirements for talent agents provided in this chapter and Chapter 4.5 (commencing with Section 1701), no person who is required to be registered under the provisions of Sections 290 to 294, inclusive, of the Penal Code may be licensed as a talent agent or represent any artist who is a minor.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Artist" or "artists" means persons who seek to become or are actors or actresses rendering services on the legitimate stage or in the production of motion pictures, radio artists, musical artists, musical organizations, directors of legitimate stage, motion picture, and radio productions, musical directors, writers, cinematographers, composers, lyricists, arrangers, models, extras, and other artists or persons rendering professional services in motion picture, theatrical, radio, television, and other entertainment enterprises.

(2) "Fee" means any money or other valuable consideration paid or promised to be paid by or for an artist for services rendered or to be rendered by any person conducting the business of representing artists as defined this section.

(3) "Person" means any individual, company, society, firm, partnership, association, corporation, limited liability company, trust, or other organization.

(4) "Represent" means a person receives a fee from an artist for one or more of the following services, including, but not limited to:

- 1 (A) Procuring, offering, promising, or attempting to procure
- 2 employment, engagements, or auditions for the artist.
- 3 (B) Managing or directing the development or advancement of
- 4 the artist's career as an artist.
- 5 (C) Career counseling, career consulting, vocational guidance,
- 6 aptitude testing, evaluation, or planning, in each case relating to
- 7 the preparation of the artist for employment as an artist.